

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2004-10214-GAO

MOHAMMAD HAMADI,
Defendant.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on December 2, 2004.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the
numeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) None other than that the Government shall provide a certified copy of the Greek marriage certificate within thirty (30) days.
- (2) None except that if the defendant designates an expert on or before December 20, 2004, the Government shall have until the close of business January 20, 2005 to serve a report pursuant to Rule

16(a)(1)(F), Fed. R. Crim. P., of any rebuttal expert it will call at trial.

- (3) No.
- (4) The United States has not requested notice of alibi.
- (5) Other than possible motions in limine which will be directed to the trial judge, the only non-discovery type motion which has or will be filed is a motion to dismiss (#21).
- (6) *An Initial Pretrial Conference should be set as soon as possible to hear the motion to dismiss and to set a firm trial date.*
- (7) The case will have to be tried; trial will last about five days.
- (8) See Order of Excludable Delay (#20) entered September 29, 2004. All time since October 20 is excludable as a result of the pending motion to dismiss (#21) which was filed on that date. As of the time the motion to dismiss was filed, there were fifty-one (51) days remaining on the Speedy Trial clock.
- (9) Five days.

Using the numeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) See ¶ (5), *supra*.
- (4) See ¶ (8), *supra*.
- (5) Five days.
- (6) None.

I RECOMMEND that the Court set the case down for an Initial Pretrial Conference pursuant to Local Rule 117.1 ***AS SOON AS POSSIBLE***.

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE O'TOOLE'S SESSION.

The Clerk shall enter on the docket the fact that the case "is no longer referred to Magistrate Judge Collings."

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

December 2, 2004.